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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hessel

Serial Number :

Examiner: M. Constantino
Art Unit: 336

Filed : January 27, 1988

For : TUBULAR PROTECTIVE DEVICE FOR
PROTECTION AGAINST TRANSFER OF
INFECTIOUS MATTER DURING SEXUAL
INTERCOURSEINFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. 1.56Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

The citations listed below, copies attached, may be material to the examination of the above-identified application and are therefore submitted in compliance with the duty of disclosure defined in 37 C.F.R. 1.56. The Examiner is requested to make these citations of official record in this application.

The following patents were cited and relied upon by the Examiner during the prosecution of the parent application.

An article, "Outline For Successful Prophylactic Program" (Waterbury, CT: The Heminway Press, 1934), The Gee Bee Company, 7-16, discloses a prophylactic device entitled , "The Gee Bee." This device as illustrated in the figures on pages 13 through 15 is a loose fitting

tubular prophylactic having a grooved outer ring. The grooved outer ring does not form a collar-shaped, outwardly extending portion at the opening of the prophylatic. This disclosure does not disclose any description of a "female" embodiment having an inner ring to secure the device in the vagina.

U.S. Patent Number 899,251 to Graham discloses an animal breeder's bag. The bag is a condom-like device for livestock that can be used to collect semen. The bag contains a fixed inner band 1 that is positioned at about the middle of the length of the device. This position for the attachment of the band 1 provides for a tube 4 and a bag-like extension 3. The purpose of the band 1 and cross strips 9 and 10 is to collect semen in the pocket 11. The rubber frame 6 may be made in various shapes, but is not disclosed as forming a collar-shaped, outwardly extending portion at the opening of the prophylatic.

U.S. Patent Number 3,102,541 to Adams discloses a catamenial device. The Examiner stated that the device discloses sheath 12, first ring 10, and "second ring means" 28.

The following patents were made of record by the Examiner during the prosecution of the parent application.

U.S. Patent Number 4,232,675 to Meldahl discloses a non-planar condom device. This device has a harness that includes sensitivity segments.

The figure of German Patent Number 210,413 to Hollmann discloses a condom-like device having an outer ring. The figure is annotated in English Handwriting "to be worn by womenn". No copy of the specification was made available by the Examiner.

The following patents were made of record by the Examiner without comment.

U.S. Patent Number 2,309,868 to Robertson discloses a catamenial sac.

U.S. Patent Number 3,759,254 to Clark discloses a hygienic condom-like appliance.

U.K. Patent Specification 1,252,255 to Kennedy discloses a condom-like structure.

The following documents are related to condom-like structures. The following documents are, therefore, believed to be relevant to only the background of the invention.

U.S. Patent Number 4,004,591 to Freimark discloses a birth control device. This birth control device is a female condom made of a strong rubber, plastic, or other similar material. This condom has a rigid, ring-like rim that is bent or scalloped. This rim can be a wire. The rim is not adapted to radially extend the open end of this device because this device is a hard molded

material and not flexible. The cross-sectional dimensions of this condom are disclosed as being sufficiently large to easily accommodate the average male width with some additional clearance space. The primary function of this device is to prevent unwanted pregnancy. This device is useful in preventing the spread of venereal disease. This device provides no means to prevent an exchange between partners of secreted fluids that may contain venereal disease. Additionally, this birth control device is intended for use by females, but includes no means to secure or maintain the device in the vagina.

U.S. Patent Number 4,630,602 to Strickman et al. discloses a disposable contraceptive cervical barrier. The cervical barrier of this invention is similar to standard diaphragms in size and design. This cervical barrier contains various "cavities for cells" that can hold spermicidal lubricants. These spermicidal lubricants can also be placed in numerous grooves within the body of the cervical barrier. Urethane polymers are used to make the device. The cervical barrier of this invention, unlike a condom, has no tubular side walls to prevent the exchange between partners of secretions that can contain a venereal disease.

U.S. Patent Number 3,536,066 to Ludwig discloses a human birth control appliance. The appliance of this patent protects both partners from any dermic contact. This device is large and awkward to use.

U.S. Design Patent Number 254,808 to Meldahl discloses a design for a male contraceptive. This contraceptive appears to be larger in diameter than the average condom, but this contraceptive has no means at its open end to aid in the prevention of the spread of venereal disease.

U.S. Patent Number 1,866,060 to Schmidt discloses a suspensory. The tubular portion is attached to a belt.

U.S. Patent Number 1,986,504 to Cubbon discloses a sanitary cup. The cup is made of hard rubber or rubber composition and has no inner ring.

U.S. Patent Number 2,433,538 to Warner discloses a sperm receptacle for analysis. The receptacle has straps and absorbent material.

U.S. Patent Number 4,167,183 to Barlow discloses an anti-rape device. The device does not have a collar-like structure.

U.S. Patent Number 4,508,114 to Pennystone discloses an anti-rape device. The device does not have a collar-like structure.

The following documents are tangentially related to condoms or materials associated with condoms such as spermicides. The following documents are, therefore, believed to be relevant to the background of the invention.

European patent application number 0 135 283 discloses a disposable spermicide-releasing intravaginal contraceptive barrier. The barrier has a cup and ring-like structure similar to a diaphragm. The disclosure includes a description of nonoxynol-9 and carriers such as polyethylene glycol.

Rodgers-Neame et al., "In Vitro and In Vivo Evaluation of Latex Condoms Using a Two-Phase Nonoxynol 9 System," Fertility and Sterility 43 (June 1985): 931-6, discloses the use of nonoxynol-9 with standard condoms.

European patent application number 0 027 731 discloses spermicidally active vaginal suppositories. The preferred spermicide is nonoxynol-9.

This Information Disclosure Statement Under 37
C.F.R. 1.56 is not to be construed as a representation
that a search has been made, that additional matter
material to the examination of this application does not
exist, or that any one or more of these citations
constitutes prior art under 35 U.S.C. 102.

Respectfully submitted,



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